Remarks

In the present response, three claims (1, 8, and 16) are amended. No new matter is entered. Claims 1-8 and 10-23 are presented for examination.

Claim Rejections: 35 USC § 102 & § 103

Claims 1-7, 16, 17, and 21-23 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,134,710 (hereinafter Levine). Claims 8-15 and 18 are rejected under 35 USC § 103 as being unpatentable over Levine in view of USPN 6,134,710 (Eickemeyer). Claims 19 and 20 are rejected under 35 USC § 103 as being unpatentable over Levine in view of Grimsrud. These rejections are traversed.

Independent Claims 1, 8, and 16

Independent claims 1, 8, and 16 recite numerous limitations that are not taught or suggested in Levine. By way of example, claims 1, 8, and 16 recite inserting a **break instruction** into the object code. Nowhere does Levine teach or suggest inserting break instructions into the object code. By contrast, Levine teaches inserting branch instructions into the object code. Levine also discusses inserting preload or touch instructions into the object code. Breaks instructions are very different than branch and/or preload instructions.

According to MPEP § 2111.01, the words of a claim must be given their "plain meaning" (i.e., the ordinary and customary meaning given by one of ordinary skill in the art). As known in the art, when executing branch instructions, a processor decides the next instruction to execute based on a result of another instruction. Branch instructions can cause problems when a branch is conditional on an instruction that has yet to execute. By contrast, claims 1, 8, and 16 recite inserting break instructions, not branch or preload instructions.

For at least these reasons, claims 1, 8, and 16 are allowable over Levine. Eickemeyer and Grimsrud fail to cure the deficiencies of Levine. The dependent claims are allowable for at least these reasons.

As another example, claims 1, 8, and 16 recite that the processor resumes execution of the object code without changing addresses of subsequent instructions in the

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object code. Nowhere does Levine teach or suggest this recitation. By contrast, Levine discusses branch instructions in the object code, but these instructions can change the addresses or offsets of other instructions in the object code. Break instructions are used to break the object code without changing the addresses or offsets of subsequent instructions.

For at least these additional reasons, claims 1, 8, and 16 are allowable over Levine. Eickemeyer and Grimsrud fail to cure the deficiencies of Levine. The dependent claims are allowable for at least these reasons.

Response to Office Action Arguments

The Office Action cites FIGS. 12A and 12B of Levine for teaching break instructions. Applicants respectfully disagree. Levine expressly teaches replacing object code (instruction B) with a **branch instruction** (see 14: 22-30). As noted above, branch instructions and break instructions are two very different types of instructions. Nowhere does Levine teach or suggest inserting break instructions into the object code.

Dependent Claims

Each dependent claim further recites recitations that are not taught or suggested in the art of record. Applicants provide a few examples.

Dependent claims 4 and 12 recite a **hint register** for holding the hint instructions. Nowhere does Levine teach or suggest hint registers. By contrast, figure 1 of Levine teaches a computer having general purpose registers and floating registers. General purpose registers and floating registers are very different than hint registers. For instance, general purpose and floating registers are used by the program and may not be available for hints.

According to MPEP § 2111.01, the words of a claim must be given their "plain meaning" (i.e., the ordinary and customary meaning given by one of ordinary skill in the art). As known in the art, hint registers are very different than general purpose and floating registers. Nowhere does Levine teach or suggest hint registers as recited in dependent claims 4 and 12.

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Dependent claim 21 recites plural different types of hint instructions. Levine does not even suggest hint instructions. Further, the Office Action states "a ... touch instruction (i.e. a branch prediction instruction)" to supports its argument (see OA at p. 7). Applicants respectfully disagree with the characterization of Levine. Touch instructions are not branch prediction instructions. Touch instructions are load instructions.
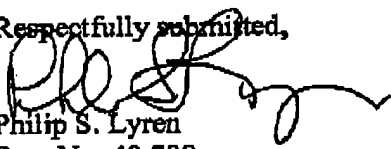
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CONCLUSION

In view of the above, Applicants believe claims 1-8 and 10-23 are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 28th day of November, 2005.

By Carrie McKerley
Name: Carrie McKerley

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